

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.1591 OF 2005

Janhit Sanstha. ...Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.

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Mr. S. K. Pandey i/b. M/s. Santosh B.G. & Associates for the
Petitioner.

Mr. Pradeep Jadhav, AGP for Respondent Nos.1 and 2.

Ms. P.A. Purandare for Respondent Nos.3 to 5.

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**CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.**

April 26, 2006.

P.C. :

The Petitioner by way of this Public Interest Petition has prayed for directions to Respondent Nos.3 to 7 to forthwith issue eviction notices to occupants of the illegal structures standing on the land bearing C. T. S. Nos.439 to 442, 447, 448, 451, 458, 544-A and 444 (pt), admeasuring 27,507 sq.mtrs. of Andheri, Vile Parle, Bombay Suburban District. It is further prayed for directing Respondent Nos.3 to 7 to demolish the said structures upon the expiry of the period of the eviction notice and to initiate the process of acquisition of land for the utilities if it was so acquired.

Having heard the Learned Counsel for the parties, we

are of the view that the Petitioner is not entitled to get any of the reliefs in view of the decision of a Division Bench of this Court in **Nazir Khan Yakub Khan vs. The State of Maharashtra and others**, Writ Petition No.988 of 2004, dated 11th March 2005 wherein the Division Bench has decided the question of the validity of the Slum Rehabilitation Scheme and observed that upon the implementation of the scheme, the Municipal Corporation of Greater Mumbai, would get the area reserved for it in the form of Nursing Quarters and School. It is also observed that the portion of land falling under reservation of play ground is presently kept out of development and that aspect would be considered by the SRA after further orders are passed in another matter, viz., Writ Petition No.1152 of 2002. Having considered, we do not think it proper to quash and set aside the scheme or issue further directions. We see no merit in the petition which is accordingly rejected.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.